UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
HU, JINSONG

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 March 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-32</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-32</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-32 are presented for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-13, 16-28 and 31-32 are rejected under 35 U.S.C. 102(e) as being

anticipated by Abrol et al. (US 6,542,734).

4.   As per claim 1, Abrol teaches the invention as claimed including a method of

accessing information about a resource associated with a network device [col. 4, lines

22-29], comprising:

receiving a request from an application for information about a resource

associated with a network device [260, Fig. 3; col. 4, lines 66-67];

selecting a layer in a network protocol stack having multiple layers for

communicating with the requested resource associated with the network device [col. 5,

lines 1-9];

establishing an inner layer socket for communicating at the selected layer using

an inner layer application programming interface (IL API) and a socket identifier

associated with the requested resource, wherein the inner layer socket communicates

using the selected layer and bypasses other layers in the network protocol stack [col. 5,

lines 29-31; col. 5, line 61 – col. 6, lines 5];

transmitting the request for information about the resource through the inner

layer socket and the socket identifier [col. 6, lines 1-5];

receiving the information about the resource in response to the transmission

made through the inner layer socket [col. 6, lines 1-5]; and

passing the information about the resource through the inner layer socket to the

application making the request [col. 5, lines 61 – col. 6, lines 5].

5.   As per claim 2, Abrol teaches the request includes header information associated

with a transport layer and the inner layer socket is a transport socket [col. 5, lines 18-27

& 61-65].

6.   As per claim 3, Abrol teaches the network protocol stack is compatible with

TCP/IP and the transport socket is compatible, with a TCP or UDP transport layer

protocol [202, Fig. 3; col. 5, lines 21-23 & 61-65].

7.   As per claim 4, Abrol teaches the request includes header information associated

with a network layer and the inner layer socket is a network socket [col. 5, lines 61-65;

col. 6, lines 18-25 & 39-43].

8.   As per claim 5, Abrol teaches the network protocol is compatible with TCP/IP and

the network socket is compatible with an IP network layer protocol [204, Fig. 3; col. 5,

lines 18-27].

9.   As per claim 6, Abrol teaches the request includes header information associated

with a link layer and the inner layer socket is a link socket [col. 5, lines 61-65].

10.   As per claim 7, Abrol teaches the network protocol is compatible with TCP/IP and

the link socket is compatible with a link layer protocol [206, Fig. 3; col. 5, lines 61-65].

11.   As per claim 8, Abrol teaches the step of selecting a layer in a network protocol

stack further includes determining the layer in the network protocol stack that the

requested resource uses for communication [col. 5, lines 18-27].

12.   As per claim 9, Abrol teaches the IP layer in a TCP/IP network protocol is

selected when a Internet Control Message Protocol (ICMP) resource communicates at

the network layer in the network protocol [col. 5, lines 39-43].

13.   As per claim 10, Abrol teaches the link layer in a TCP/IP network protocol is

selected when an Address Resolution Protocol (ARP) resource communicates at the

link layer in the network protocol [col. 5, line 49 – col. 7, line 5; col. 6, lines 22-25].

14.   As per claim 11, Abrol teaches the physical layer in a network protocol is

selected when a physical port resource uses the physical layer for communication [col.

6, lines 1-5].

15.   As per claims 12 and 13, Abrol teaches IL API provides a transport socket to

access transport layer information in the network protocol, a network socket to access

network layer information in the network protocol, a link socket to access link layer

information in the network protocol, and a physical socket to access physical port

information in the network protocol [col. 5, lines 49-60].

16.   As per claims 16-28, since they are apparatus claims of claims 1-13, they are

rejected for the same basis as claims 1-13 above.

17.   As per claims 31 and 32, since they are structure and computer claims of claim

1, they are rejected for the same basis as claim 1 above.

Claim Rejections - 35 USC § 103

18.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

19.   Claims 14-15 and 29-30 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Abrol et al. (US 6,542,734) as applied to 1-13 and 16-28 above in

view of Gigliotti et al. (US 6,138,143).

20.   As per claims 14 and 15, Abrol teaches the invention substantially as claimed in

claim 1. Abrol does not specifically teach using objected-oriented instructions in java

program language and running on a virtual machine. However, Gigliotti on the other

hand teaches the step of using objected-oriented instructions in java program language

and running on a virtual machine [col. 5, lines 3-8]. It would have been obvious to a

person of ordinary skill in the art at the time the invention was made to combine the

teaching of Abrol and Gigliotti because JAVA is a well-known objected-oriented

language in the art for being used on a virtual machine (JAVA virtual machine) which on

a level above the operating system. One of ordinary skill in the art would have been

motivated to modify Abrol's system with Gigliotti's JAVA script based on specific design

reason.

21.   As per claims 29 and 30, since they are apparatus claims of claims 14-15, they

are rejected for the same basis as claims 14-15 above.

Conclusion

22.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure:

Gessel et al. (US 5,732,213) discloses a system for testing open system;

Connery et al. (US 6,246,683) discloses a system for processing network

protocol; and

O'Gorman et al. (US 6,711,178) discloses a CLAW parking protocol.

23.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jinsong Hu whose telephone number is (703) 306 –

5932.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John A. Follansbee, can be reached on (703) 305-8498. The fax number for

Group 2100 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of the application should

be directed to the Group receptionist at (703) 305-3900.

Jinsong Hu

May 27, 2004

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100